



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 02-1809

Released: July 25, 2002

**DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO TRANSFER
CONTROL OF LOCAL EXCHANGE ASSETS FROM CITIZENS
TELECOMMUNICATIONS COMPANY OF NORTH DAKOTA TO DICKEY RURAL
ACCESS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-195

On June 17, 2002, Citizens Telecommunications Company of North Dakota ("Citizens-ND") and Dickey Rural Access, Inc. ("Dickey Rural") (collectively, the Petitioners"), filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (the "Act") for approval to transfer control of Citizens-ND's Gwinner and Lisbon, North Dakota exchanges to Dickey Rural.

Applicants assert that this application is subject to streamlined processing under section 63.03(b)(1)(iii) of the Commission's rules because the proposed transaction involves only the transfer of the local exchange assets of an incumbent LEC by means other than an acquisition of corporate control.¹

Citizens-ND is a Delaware corporation. Citizens-ND is a wholly owned subsidiary of Citizens Communications Company, a Delaware corporation having its principal place of business at 3 High Ridge Park, Stamford, CT 06095. Citizens Communications Company is a publicly traded corporation in which no individual or entity owns an equity interest of ten percent or more.

Dickey Rural Access, Inc. is a North Dakota corporation. Dickey Rural is a wholly owned subsidiary of Dickey Rural Enterprises, Inc., which is a wholly owned subsidiary of Dickey Rural Telephone Cooperative, a cooperative association operating under the laws of North Dakota. Dickey Rural Telephone Cooperative is a member owned association. No member owns an interest of ten percent or more in Dickey Rural Telephone Cooperative.

¹ 47 C.F.R. section 63.03(b)(1)(iii).

Citizens-ND is in the process of selling five of the eight exchanges it owns in North Dakota. Two of those exchanges, Gwinner and Lisbon, are being sold to Dickey Rural Access, Inc.; one exchange, Pembina, North Dakota, is being sold to Polar Telecommunications, Inc.; and two exchanges, Wyndmere and Fairmount, North Dakota, are being sold to Red River. Applicants assert that these five exchanges are being sold because they can be operated more efficiently by other incumbent LECs already operating in close proximity. Upon consummation of the three transactions, Citizens-ND will continue to operate three exchanges in North Dakota – Williston, Alexander and Watford City.

In this particular transaction, Citizens-ND is selling two exchanges, Gwinner and Lisbon, to Dickey Rural. This transaction includes all assets, except those specifically excluded by the Purchase and Sale Agreement between the parties associated with those exchanges. Upon consummation of this transaction, Dickey River will become an incumbent LEC in the Gwinner and Lisbon, North Dakota exchange areas.²

Dickey Rural was created to purchase and operate the Gwinner and Lisbon exchanges. It is a subsidiary of Dickey Rural Telephone Cooperative, which presently serves 21 exchanges with approximately 2,700 access lines within its existing North Dakota study area, Dickey Rural Telephone Cooperative also has another incumbent LEC subsidiary in its study area, Dickey Rural Communications, which presently serves 10 exchanges with approximately 6,100 access lines. The Gwinner and Lisbon exchanges, when acquired by Dickey Rural, will, upon Commission approval, be added to the existing Dickey Rural Telephone Cooperative study area.

The Gwinner and Lisbon exchanges are located in Southeastern North Dakota, a very rural, sparsely populated farming area. According to the Applicants, the Gwinner exchange serves approximately 588 access lines and the Lisbon exchange serves approximately 1,904 access lines. The two exchanges serve portions of three counties, each of which has the following population as of the most recent census: Ransom County, with a population of 5,890; Dickey County, with a population of 5,757; and Sargent County, with a population of 4,366. The major towns and their populations served by the two exchanges are Ellendale (Dickey County), with a population of 1,559; Lisbon (Ransom County), with a population of 2,292; and Gwinner City (Sargent County), with a population of 717.

Citizens-ND, an incumbent LEC, provides a full range of residential and business local exchange, switched and special access, custom calling, and information services in the two exchanges that are being sold to Dickey Rural. Dickey Rural will provide comparable services when it takes ownership of the Gwinner and Lisbon exchange areas, both of which will be operated as part of the Dickey Rural Telephone Cooperative family of rural incumbent LECs.

² On April 5, 2002, Citizens-ND and Red River filed a joint petition seeking “study area waivers” pursuant to sections 61.41(c)-(d), 69.3(e)(11) and 69.605(c) of the Commission’s Rules.

Citizens-ND states that it acquired the North Dakota exchanges described above from Qwest on October 30, 2000. The North Dakota acquisitions were part of a larger series of transactions in which the Citizens Communications Companies were acquiring rural local exchange operations from Qwest throughout the western states. The North Dakota transaction involved small “islands” of exchanges in the state as part of a much larger series of transactions that would allow the Citizens Communications Companies to create cohesive and viable regional operations in the West. However, Citizens-ND states that the larger series of transactions was ultimately aborted, thereby making it extremely difficult to achieve regionalized economies of scale with the five small North Dakota exchange areas that Citizens-North Dakota has contracted to sell.

Insofar as the Gwinner and Lisbon exchanges are concerned, Applicants state that Dickey Rural and its affiliates are established, incumbent LECs already operating in adjacent exchange areas. Applicants further assert that The Dickey Rural Telephone Cooperative family of companies is geographically and operationally situated to operate these small exchanges in a highly efficient manner as a natural extension of their existing operations, and that the two exchanges will become integral part of the operations of an experienced “North Dakota” carrier. Accordingly, Applicants assert that the public convenience and necessity will be served by a grant of this application.

GENERAL INFORMATION

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.³ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get

³ See 47 C.F.R. section 63.03(a).

form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Bill Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (4) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

- FCC -